

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Daphny Obregon,  
(CIS A28 680 416)

Civ. No. 08CIV6620  
ECF CASE

Plaintiff,

COMPLAINT FOR A WRIT IN  
THE NATURE OF MANDAMUS

-vs-

JUDGE PAULEY

Andrea Quarantillo,  
District Director  
Citizenship and  
Immigration Services,

Defendant.

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Plaintiff, Daphny Obregon, complaining of Defendant, alleges as follows:

1. Plaintiff is an individual and legal permanent resident of the United States who resides at 245 West 51<sup>st</sup> Street, Apt. 812, New York, NY 10019 within the jurisdiction of this Court. Plaintiff's claim to naturalization arises under 8 USC 1421 et seq.
2. Andrea Quarantillo, the Defendant herein, is the District Director of the Citizenship and Immigration Services (CIS) and is sued herein in her official capacity. Defendant is responsible for the grant or denial of naturalization applications filed within the New York District of the CIS pursuant 8 USC 1421, 8 USC 1427, 8 CFR 103.1(g)(2), 8 CFR 310.2 and 8CFR 316.3.
3. The Court has jurisdiction of this action pursuant to 5 USC 555 and 701 et seq; 28 USC 2201 et seq.; and relief is requested pursuant to said statutes.
4. On or about June 1, 2006 Plaintiff filed his *second* application for Naturalization. CIS scheduled him to be fingerprinted for security clearances on July 7, 2006 and plaintiff presented himself as directed.
5. Defendant has not scheduled Plaintiff for a hearing in spite of the fact that the application has exceeded Defendant's time guidelines for scheduling a hearing for this type of application.
6. Plaintiff has exhausted his administrative remedies.

7. Defendant's action in not scheduling Plaintiff for a hearing, as a matter of law, is arbitrary and capricious and not in accordance with the law.
8. Defendant is in violation of the Administrative Procedures Act 5 USC 555 and 701 et seq., by unlawfully withholding or unreasonably delaying action on Plaintiff's application. Defendant has failed to carry out the administrative functions delegated to her by law with regard to Plaintiff's case.

WHEREFORE, Plaintiff prays that:

1. Defendant be ordered to have her agents process Plaintiff's case to a conclusion forthwith;
2. The Court grants such further relief as may be just, lawful, and equitable; and
3. Grant attorney's fees and costs of this Court.

Respectfully submitted,  
By Spiro Serras, Esq.  
(9232 SS)



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Dated: June 25, 2008